

**LOCAL GOVERNMENT ORDINANCE 1961  
(No. 11 of 1961)**

**LAHAD DATU DISTRICT COUNCIL  
(MARKETS) BY-LAWS 1972  
(G.N. 261 of 1973)**

In exercise of the powers conferred upon it by section 50 of the Local Government Ordinance 1961, the Lahad Datu District Council has made the following by-laws:

**Title and commencement.**

1. These by-laws may be cited as the Lahad Datu District Council (Markets) By-laws 1972 and shall come into operation on the 1st day of January 1973.

**Interpretation.**

2. In these By-laws —

"fish" includes crabs and shell fish;

"goods" includes food;

"licensee" means the holder of a license for a stall;

"market" means the market specified in the First Schedule to these By-laws;

"sale" includes expose or offer for sale.

**Sale in markets.**

3. No goods shall be sold in a market except in accordance with these By-laws.

**Hours of business.**

4. (1) A market shall be opened for business daily from 5.30 a.m. to 6.00 p.m. unless otherwise directed by the Council.

(2) No sale shall take place in a market or part of a market except when it is open for business.

**Certain foodstuffs not to be sold outside markets.**

5. No fresh fish, fresh beef, fresh mutton, fresh pork, fresh venison, fresh poultry, fresh vegetables and fresh fruits shall be sold by retail other than in a market except in accordance with the written permission of the Council:

Provided that this by-law shall not apply—

- (a) to the sale of fresh fish to fish-curers;
- (b) to any refrigerated food.

**Certain meat not to be sold in markets.**

6. No fresh beef, fresh mutton or fresh pork shall be sold in a market unless it is from the carcasses of animals slaughtered in slaughterhouses permitted under the Public Health Ordinance 1960 [Ord. 7/60.].

**Allocation of stalls.**

7. The Council may allocate in a market, stalls of the following descriptions for the sale of particular goods —

- (a) fish stalls, for the sale of fresh fish;
- (b) meat stalls, for the sale of meat other than pork;
- (c) pork stalls, for the sale of pork;

- (d) poultry stalls (or cages), for the sale of poultry or other birds and eggs;
- (e) vegetables stalls, for the sale of vegetables, fruits and eggs;
- (f) sundry stalls, for the sale of eggs, flowers, cigarettes, tobacco, fruits, ropes, sweets, matches, manufactured rottan goods and such other goods as may be specified on the licence;
- (g) food stalls, for the sale of such cooked food as may be specified on the licence.

**Letting of stalls.**

8. The Council may let the stalls on licences.

**Application for licence.**

9. An application for a licence for a stall shall be in writing, shall specify the goods the applicant proposes to sell, and shall be accompanied by two photographs of the applicant.

**Grant of licences.**

10. The Council may, in its absolute discretion grant or refuse a licence, or grant a licence subject to such conditions as it thinks fit.

**Health certificate.**

11. If the Council so requires, an applicant for a licence or for a renewal thereof shall forward a certificate of health from a Government Medical Officer or registered medical practitioner.

**Duration of licence.**

12. Every licence shall, subject to the provisions of these By-laws, expire on the 31st day of December of the year in which it is granted.

**Licence not to be transferred.**

13. No licensee shall transfer or otherwise part with the possession of his licence to any unauthorised person.

**Stallage rents.**

14. (1) The rents to be charged for stalls shall be as set out in the Second Schedule to these By-laws.

(2) Rents shall be payable monthly or quarterly and shall be payable in advance.

(3) If a rent is not paid upon the expiry of the first week of the month in which it is due, the licence shall lapse but may be validated by the Council upon payment of a validation fee of one-tenth of the monthly rent subject to a minimum of one ringgit:

Provided that if the rent is not paid by the end of the month in which it is due, the licence shall be deemed to be cancelled.

**Licensee to exhibit all goods on stalls.**

15. All goods for sale shall be exhibited on stalls and not otherwise, and shall be so placed as not to project beyond the line of the stall.

**Sale from stalls.**

16. No goods shall be sold from a stall other than that for which it is licensed, and no licensee shall use any stall other than that allocated to him.

**Licensee not to keep or leave goods on floor.**

17. No licensee shall keep or leave goods or receptacles on the floor of a market except at places approved by the Council.

**Employment of assistants.**

18. (1) No assistant, whether paid or not, shall be employed in the business of a licensee except with the approval of the Council.

(2) If the Council gives approval, the name, address and a photograph of the assistant shall be affixed on the licence by an officer of the Council.

**Stalls to be kept clean.**

19. (1) Every licensee shall always keep his stall in a clean and orderly condition, and shall wash his stall, the floor below his stall and the adjoining passage and drains every day within half an hour after a market is closed for business.

(2) A licensee shall remove his goods whenever required by the Council to enable a market to be thoroughly cleaned.

**Lock-up shops and storage places.**

20. The Council may provide lock-up shops and storage places in a market which may be let or used upon such conditions as the Council may determine.

**Refuse.**

21. (1) No person shall deposit any refuse or litter in any place in or in the surroundings of a market except in bins or chutes provided for the purpose.

(2) No article or thing shall be thrown, left or otherwise disposed of in the passage, drains or surroundings of a market.

**Handicraft.**

22. No person shall carry on any handicraft in a market without the written permission of the Council.

**Liquor.**

23. No person shall deal in, keep or consume liquor in a market.

**Fire and cooking.**

24. No fire or cooking shall be permitted in a market without the written approval from the Council.

**Animals.**

25. No person may bring any live animal into a market.

**Obstruction.**

26. No person shall in any way cause any obstruction in a market.

**Direction.**

27. All persons using a market shall comply with such directions as may be given by an officer of the Council for the purpose of preserving cleanliness and order in the market.

**Sunblind, etc..**

28. No person shall erect any sunblind or any temporary or permanent structure in a market without the written approval of the Council.

**Water supply.**

29. The water supply in a market is subject to the absolute control of the Council.

**Sleeping in the market.**

30. No person shall lounge or sleep in the market at any time and no person shall remain in a market at night except a watchman approved in writing by the Council.

**Penalty.**

31. (1) Any person who commits a breach or contravenes any of the provisions of these By-laws shall be liable to a fine not exceeding five thousand ringgit and in the case of a continuing offence to a further fine of two hundred ringgit for every day during which the offence continues.

(2) In addition to or in substitution for the penalty provided in paragraph (1) of this by-law, any expense incurred by the Council in consequence of any breach or contravention of these By-laws or in the execution of any work directed by these By-laws to be executed by any person and not executed by such person, whether performed by the Council or some contractor, together with a surcharge of not more than ten per centum of such expense shall be paid by the person committing such breach or failing to execute such work and may be recovered as if such sum were a civil debt.

**Cancellation of licence.**

32. The Council may cancel or suspend a licence —

(a) if the licensee or any assistant of the licence —

(i) is convicted of any offence under these By-laws;

(ii) is convicted of any offence under any written law relating to public health or the use of false weights or measures in respect of goods to which the licence relates; or

(b) if, on the certificate of a Government Medical Officer or a registered medical practitioner, the licensee is suffering from a contagious or infectious disease.

**Compounding of offences.**

33. (1) Any officer of the Council duly authorised in writing by the Council may in his discretion compound any offence under these by-laws by collecting from a person reasonably suspected of having committed the offence a sum not exceeding one hundred ringgit.

(2) On payment of such sum of money no further proceedings shall be taken against the person in respect of such offence.

(3) The payment shall be evidenced by a receipt issued by the officer so authorised to compound the offence.

**Power of arrest.**

**34.** (1) Any officer of the Council duly authorised by the Council or any police officer may arrest without warrant any person who commits in his presence or whom he reasonably believes to have committed any offence under these By-laws—

- (a) if the name or address of the person is unknown to him and the person declines to give his name and address; or
- (b) if there is reason to doubt the accuracy of his name or address.

(2) A person arrested under this section shall be detained and shall be brought before a Magistrate's Court within twenty-four hours unless his name and address are sooner ascertained.

FIRST SCHEDULE  
MARKET  
(By-law 2)  
LAHAD DATU MARKET  
KUNAK MARKET



SECOND SCHEDULE

By-law 14(1)

|     |  |     |     |     |     | RM                |              |
|-----|--|-----|-----|-----|-----|-------------------|--------------|
|     |  |     |     |     |     | <i>per month</i>  |              |
|     |  |     |     |     |     | <i>Lahad Datu</i> | <i>Kunak</i> |
| 1.  | Vegetables/Fruits                          |     |     |     |     |                   |              |
|     | (a) Inside Market                          | ... | ... | ... | ... | 40.00             | 10.00        |
|     | (b) Outside Market                         | ... | ... | ... | ... | 30.00             | 10.00        |
| 2.  | Flower Stalls                              | ... | ... | ... | ... | 20.00             | 10.00        |
| 3.  | Retail Stalls                              | ... | ... | ... | ... | 40.00             | 10.00        |
| 4.  | Rice Stalls                                | ... | ... | ... | ... | 40.00             | 10.00        |
| 5.  | Cake/Bread Stalls                          | ... | ... | ... | ... | 15.00             | 10.00        |
| 6.  | Coffee Powder Stalls                       | ... | ... | ... | ... | 15.00             | 10.00        |
| 7.  | Newspaper Stalls                           | ... | ... | ... | ... | 15.00             | 10.00        |
| 8.  | Spices/Curry Powder Stalls                 | ... | ... | ... | ... | 30.00             | 10.00        |
| 9.  | Tobacco Stalls                             | ... | ... | ... | ... | 30.00             | 10.00        |
| 10. | Poultry Stalls                             | ... | ... | ... | ... | 45.00             | 10.00        |
| 11. | Beef Stalls                                | ... | ... | ... | ... | 50.00             | 10.00        |
| 12. | Pork Stalls                                | ... | ... | ... | ... | 50.00             | 10.00        |
| 13. | Fish Stalls                                | ... | ... | ... | ... | 40.00             | 10.00        |
| 14. | Clothing Stalls                            | ... | ... | ... | ... | 15.00             | 10.00        |
| 15. | Cosmetic Stalls                            | ... | ... | ... | ... | 20.00             | 10.00        |
| 16. | Food Stalls                                | ... | ... | ... | ... | 40.00             | 10.00        |
| 17. | Food Stalls (by the roadside)              | ... | ... | ... | ... | 20.00             | 10.00        |
| 18. | Refreshment Stalls (by the roadside)       | ... | ... | ... | ... | 20.00             | 10.00        |
| 19. | Sundry Stalls (by the roadside)            | ... | ... | ... | ... | 20.00             | 10.00        |
| 20. | Cooked Food Stalls (infront of the Cinema) | ... | ... | ... | ... | 20.00             | 10.00        |
| 21. | ("Tauhu") beancurd Stalls                  | ... | ... | ... | ... | 20.00             | 10.00        |
| 22. | Plastic Commodities Stalls                 | ... | ... | ... | ... | 20.00             | 10.00        |
| 23. | Medicine Stalls                            | ... | ... | ... | ... | 20.00             | 10.00        |
| 24. | Salted Fish Stalls                         | ... | ... | ... | ... | 40.00             | 10.00        |
| 25. | Poultry Slaughter Stalls                   | ... | ... | ... | ... | 40.00             | 10.00        |

|     |                |     |     |     |     |       |       |
|-----|----------------|-----|-----|-----|-----|-------|-------|
| 26. | Egg Stalls     | ... | ... | ... | ... | 15.00 | 10.00 |
| 27. | Coconut Stalls | ... | ... | ... | ... | 40.00 | 10.00 |

Dated at Lahad Datu this 16th day of January 1973.

HAJI RAFAEL ANCHETA,  
*Chairman,*  
*Lahad Datu District Council.*

I approve the foregoing By-laws.

Dated at Kota Kinabalu this 19th day of March 1973.

SALLEH HAJI SULONG,  
*Minister of Local Government.*

Sabah LawNet